



COMMUNITY DEVELOPMENT DEPARTMENT
Planning, Zoning and Building Safety
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Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Board of Supervisors
Through: Michael J. Ortega, County Administrator

FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director

SUBJECT: Request for Reversion of Zoning: Z-11-08R (APS)

DATE: September 14, 2011, for the September 27, 2011 Board of Supervisors Meeting

APPLICATION TO REVOKE A REZONING

The Applicant, Arizona Public Service Corporation (APS), requests that the Board of Supervisors change the Zoning District boundaries for a 10-acre parcel from HI (Heavy Industrial) to RU-4 (Rural).

The subject parcel (Parcel # 407-61-023L) is located along State Highway 80, near the intersection with Paul Spur Road, approximately halfway between Douglas and Bisbee, AZ.

I. BACKGROUND

In 2008, Arizona Public Service Corporation (APS) successfully rezoned a 10-acre parcel of land from RU-4 (Rural) to HI (Heavy Industrial). The purpose of the rezoning was to facilitate the development of a regional service center, which was to include a fleet and equipment storage yard and customer service office. On September 9, 2008, the Board of Supervisors granted conditional approval of the request. Condition #10 of that approval reads as follows:

10. The Applicant shall obtain a building permit within one year of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to the RU-4 Zoning District.

Section 2207.05 of the Zoning Regulations makes provisions for revoking a previously approved rezoning action, particularly in the event that approval conditions have not been met. In this case, non-compliance with the Condition listed above provides the mechanism for revocation.

The remaining conditions attached to the approval are listed in the attached "As you are aware letter" dated September 16, 2008.

In December of 2009, the Planning Director granted an extension to the time limit defined by the above Condition, extending the permit deadline through September of this year. Rather than asking for an additional extension, the Applicant decided to ask the Board to revoke the rezoning.

APS cites the economic downturn as the overarching reason for the reversion request. In conversation with staff, the APS representative stated that plans to develop the property are on hold indefinitely. As such, it was determined that the best course of action for APS would be to ask the Board to rescind the rezoning approval. Should APS revive their plans to develop the property, they may either submit a new rezoning application, or pursue the project as a Special Use request.

II. RECOMMENDATION

Staff recommends that the Board of Supervisors grant the Applicant's request, and revert the rezoning back to RU-4.

Should the Board grant the request, the Chairman of the Board would sign the Zoning Ordinance accompanying this Docket, which would revert the property to its former RU-4 zoning, per the property owner's request.

Sample Motion: *Adopt Ordinance No. 11-__, approving Docket Z-08-11R, and reverting the zoning of Parcel # 407-61-023L to RU-4 (Rural) from the current HI (Heavy Industrial) zoning.*

III. ATTACHMENTS

- A. Applicant's Reversion Request
- B. Location Map
- C. "As you are aware letter" dated September 16, 2008
- D. Zoning Ordinance #11-__